

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:

RICHARD T. RINAOLO, and	) Chapter 7
BETH L. RINAOLO,	) Case No. 09 B 26377
	) Honorable A. Benjamin Goldgar
Debtors.	) Trustee Joseph E. Cohen

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on August 28, at 1:30 p.m., I shall appear before Bankruptcy Judge Goldgar in the Courtroom usually occupied by him, in the Park City Branch Court, Courtroom B, 301 Greenleaf Avenue, Park City, Illinois 60085-5725, or in his absence, before such other Judge sitting in his stead, and shall present the attached Motion To Conduct a Rule 2004 Examination, a copy of which is attached hereto.

Respectfully Submitted,

/s/ Steve Ackerman

STEVE ACKERMAN  
566 W. Adams St., #600  
Chicago, IL. 60661  
(312) 454-9300

Attorney for EREF Mezzanine Fund,  
LLC

Dated: August 21, 2009

**CERTIFICATE OF SERVICE**

I, STEVE ACKERMAN, an attorney, certify that on August 21, 2009 I served this Notice and Motion by electronic filing upon Debtor's Attorney, the Trustee, and Office of the U.S. Trustee, and all parties registered with the court's electronic filing system per the attached service list:

CERTIFICATE OF SERVICE

Steven R. Rappin  
Hauselman, Rappin & Olswang, Ltd.  
39 S. LaSalle St.,  
Chicago, IL. 60603

James T. Magee  
Magee, Negele & Associates PC  
444 N. Cedar Lake Rd.  
Round Lake, IL. 60073

Joseph E. Cohen, TR.  
Cohen & Krol  
105 West Madison St., #1100  
Chicago, IL. 60602

Richard T. Rinaolo  
Beth L. Rinaolo  
1668 Telegraph Rd.  
Lake Forest, IL. 60045

William T. Neary  
Office of the U.S. Trustee, Region 11  
219 S. Dearborn St. #873  
Chicago, IL. 60604

James P. Sullivan  
Chapman and Cutler LLP  
111 W. Monroe St.  
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Bruce N. Menkes  
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Mandell Menkes LLC  
333 West Wacker Drive, Suite 300  
Chicago, IL. 60606

Scott H. Kenig  
Randall & Kenig LLP  
455 North Cityfront Plaza Drive  
NBC Tower, Suite 2510  
Chicago, IL. 60611

/s/Steve Ackerman

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**MOTION FOR EXAMINATION UNDER RULE 2004**

EREF Mezzanine Fund, LLC, by its attorney, Steve Ackerman, moves this Court pursuant to Bankruptcy Rule 2004 to examine Richard T. Rinaolo and Beth L. Rinaolo, and as grounds for this motion states as follows:

1. EREF Mezzanine Fund, LLC is a lender. It is listed on debtor's Schedule F as having claims of \$2,650,000. The nature of the obligations is that debtors guaranteed loans from EREF used for real estate development.
2. The debtor's Petition lists estimated asserts of \$500,000 to \$1 million with estimated liabilities of \$10,000,000 to \$50,000,000. Schedule F reflects claims in the amount of \$11,499,608. many of which are for personal guaranties for business loans. Debtor was/is engaged in the business of real estate development.
3. EREF Mezzanine Fund desires to question debtors regarding issues raised by debtors' Bankruptcy Petition including but not limited to issues regarding the Petition, assets and debtors' right to a discharge.
4. Request is made for the Court to authorize EREF to conduct a Rule 2004 examination without the need for a subpoena under Bankruptcy Rule 2004 (d) at the Offices in

Chicago of EREF's undersigned counsel before a court reporter.

5. A copy of the proposed order is attached.

WHEREFORE, EREF Mezzanine Fund, LLC requests that the Court enter an order authorizing it to conduct an examination of debtors under Rule 2004 at the Chicago Office of EREF's counsel.

Respectfully Submitted,

/s/ Steve Ackerman

STEVE ACKERMAN  
566 W. Adams St., #600  
Chicago, IL. 60661  
(312) 454-9300

Attorney for EREF Mezzanine Fund,  
LLC

Dated: August 21, 2009

NOTICE PURSUANT TO THE FAIR DEBT COLLECTION  
PRACTICES ACT 15 U.S.C. Section 1601 as Amended

1. The amount of the debt owed by debtors for the Wadsworth project is \$1,451,676.14 as of April 30, 2009 with interest accruing per diem of \$830.96 plus attorneys' fees and costs. The amount of the debt owed by debtor's for the Woodland Courts project is \$1,946,855.67 as of May 14, 2009 with interest accruing per diem at \$1,139.18 plus attorneys' fees and costs.
2. EREF Mezzanine Fund, LLC is the creditor to whom the debt is owed.
3. Unless you notify The Law Offices of Steve Ackerman within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, it will be assumed the debt is valid.
4. If you notify this office in writing within 30 days after receiving this notice, verification of the debt will be obtained and mailed to you.
5. If you request this office within 30 days after receiving this notice you will be provided with the name and address of the original creditor if different from the current creditor.
6. This is an attempt to collect a debt. Any information obtained will be used for that purpose. Any written requests should be addressed to the Law Offices of Steve Ackerman, 566 W. Adams St., Suite 600, Chicago, IL. 60661.